IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 4629 of 2001

Between:

Dr.V.Nandan Singh Diagnostic Centre, Tilak Road,

Hyderabad. Reptd., by its Propritrix, Smt Vijaya Nandan Singh

..... PETITIONER

AND

Municipal Corporation of Hyderabad, Tank Bund Road,

Hyderabad. Rept., by its Commissioner.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order, orders, direction or directions declaring the action of the respondent in prescribing Trade Licence to be taken by the Petitioner for running a Pathological Lab under Section-521 (1)(e)(ii) of the HMC Act, 1955, as arbitrary, ultra vires, unreasonable and unconstitutional and to issue a consequential direction to the respondent and its subordinates not to require the petitioner to take Trade Licence under

the HMC Act, 1955, and pass such other order or orders as this Hon'[ble Court may deem fit and proper in the circumstance of the case.

For the Petitioner: MR.V.SRINIVAS, Advocate.

For the Respondent: MR.RAMA RAO GANTA, SC for M.C.H.

The Court made the following:

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.4629 OF 2001

ORDER:

Subject matter of this writ petition is covered by the order dated 20.11.2002 in W.P.Nos.6254 of 1992, 15192 of 1993 and 9596 of 1995 of a learned single Judge of this Court.

In terms of the said order, this writ petition is allowed and the matter is remitted to the respondent-Corporation with a direction to re-consider the issue raised in the writ petition, in the light of the decision of the Apex Court in A.P.BANKERS AND PAWN BROKERS' ASSOCIATION Vs. MUNICIPAL CORPORATION OF HYDERABAD and appropriate terms and conditions can be fixed by the licencing authority, and can thereafter take appropriate action in the matter. Till compliance therewith, the respondent-Corporation shall not insist on the petitioner obtaining licence in terms of the notification issued by it. Parties are directed to bear their own costs.

26.07.2003.

DR

To

1. Municipal Corporation of Hyderabad, Tank Bund Road,

Hyderabad. Rept., by its Commissioner.

2. Two CD copies.